

WESTERN SECTION

CIVIL ACTION NO.: 05-30109-MHP

VS.

**CHITRA PUBLICATIONS and
SANDRA T. TALBOT
Defendants.**

**VERIFIED COMPLAINT
FOR INJUNCTIVE
RELIEF AND DAMAGES**

FILED
MAR 26 1968
FBI - NEW YORK

COMPLAINT

Plaintiff by her attorney for the Complaint against Defendants alleges as follows:

JURISDICTION AND VENUE

1. This is an action for injunctive relief and money damages alleging copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”), and further alleging false designations of origin under the Lanham Act § 43(a), 15 U.S.C. § 1125(a) and unfair competition under Massachusetts General Law, Chapter 93A. This Court has jurisdiction pursuant to 28 U.S.C. § 1338(a). Supplemental jurisdiction over the cause of action under the laws of the Commonwealth of Massachusetts is proper as substantially related to those causes of action over which the court has original jurisdiction, pursuant to 28 U.S.C. § 1367.

2. This Court has personal jurisdiction over Defendant Sandra T. Talbot because Defendant Talbot resides in Massachusetts, and over Defendant Chitra Publications because Defendant Chitra, on information and belief, conducts business in

50, 67
100

the Commonwealth of Massachusetts and within this district, including the advertising and sale of its products through the Internet to Massachusetts residents.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400(a).

4. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts and parties. Joinder of the claims will promote the convenient administration of justice and will avoid a multiplicity of separate similar actions against the two Defendants.

THE PARTIES

5. Plaintiff JoAnn Pelletier (“Plaintiff Pelletier”), an individual having a primary residence of 41 Woolworth Street, Longmeadow, Massachusetts 01106, is the author and owner of copyrights in the design and in the pattern of a quilt.

6. Upon information and belief, Defendant Chitra Publications (“Defendant Chitra”) is a corporation, organized and existing under the laws of the Commonwealth of Pennsylvania, and having a usual place of business at 2 Public Avenue, Montrose, Pennsylvania 18801-1220, which publishes and sells magazines and books dedicated to quilting, wherein such publications include pictures of quilt designs and instructions for creating the pictured quilt designs, and further wherein such publications are offered for sale and sold over the Internet and in retail stores throughout the United States.

7. Defendant Sandra T. Talbot (“Defendant Talbot”) is an individual having a primary residence of 15 Prynwood Road, Longmeadow, Massachusetts 01106.

COUNT I – COPYRIGHT INFRINGEMENT AS TO DEFENDANT SANDRA T. TALBOT

8. Plaintiff Pelletier repeats and realleges each of the allegations contained in paragraphs 1-7 above.

9. On or about January 21, 1993, Plaintiff Pelletier first published an original work of authorship consisting of a unique quilt design (the "Copyrighted Design") and a pattern for recreating the design (the "Copyrighted Pattern"), a copy of which are attached hereto as Exhibit A.

10. The Copyrighted Design is a unique and original design derived from a log cabin, courthouse quilt design.

11. On September 17, 2004, Plaintiff Pelletier complied in all respects with the requirements of the Copyright Act, and applied for and received from the Register of Copyrights Certificate of Registration No. VA 1-282-126, which is attached hereto as Exhibit B, for the Copyrighted Design and for the Copyrighted Pattern ("Registered Copyright").

12. On or about January 21, 1993, Plaintiff Pelletier conducted a quilting class, which was attended by Defendant Talbot and at which Plaintiff Pelletier provided Defendant Talbot with visual and written instructions for the Copyrighted Design and for the Copyrighted Pattern.

13. On or about April 2000, Plaintiff Pelletier conducted a quilting class (the "Class"), which was attended by Defendant Talbot. During the course of the Class, Plaintiff Pelletier read a letter and presented a copy of the letter to Defendant Talbot, wherein the letter stated that any quilts expressly or derivatively reproduced from all teachings of Plaintiff Pelletier, including the Copyrighted Pattern, was for Defendant Talbot's own personal use and enjoyment, and was not for public display or publication. See Exhibit C.

14. On or about April to September 2000, Defendant Talbot threatened to submit the Copyrighted Pattern and the Copyrighted Design to Defendant Chitra Publications (“Defendant Chitra”); consequently, in September, 2000 Plaintiff Pelletier requested that Defendant Talbot no longer attend the Class.

15. Claiming the Copyrighted Pattern and Copyrighted Design to be the direct result of her own creative endeavor and, hence, belonging exclusively to her, on or about September 2000, Defendant Talbot submitted the Copyrighted Design under the title “Just Spooling Around” to Defendant Chitra, and gave Defendant Chitra permission to publish the Copyrighted Design in Defendant Chitra’s various quilting publications, wherein such publications accredited Defendant Talbot with authorship and ownership status over the Copyrighted Design.

16. On September 21, 2004, Attorney Deborah A. Basile, an attorney at Doherty, Wallace, Pillsbury & Murphy, P.C., located at One Monarch Place, Suite 1900, 1414 Main Street, Springfield, MA 01144, working on behalf of Plaintiff Pelletier (“Attorney Basile”), sent a cease and desist letter to Defendant Talbot, which is attached hereto as Exhibit D.

17. By virtue of the unauthorized use, reproduction, and distribution of the Copyrighted Design, Defendant Talbot has infringed Plaintiff Pelletier’s Copyrighted Design all in violation of Title 17 of the United States Code.

18. The specific acts of copyright infringement alleged above, as well as, Defendant Talbot’s entire course of conduct have caused and continue to cause great and incalculable damage to Plaintiff Pelletier. Unless this Court restrains Plaintiff Pelletier from committing further acts of copyright infringement, Plaintiff Pelletier will suffer irreparable injury and harm for which she has no adequate remedy at law.

COUNT II – COPYRIGHT INFRINGEMENT AS TO
DEFENDANT CHITRA PUBLICATIONS

19. Plaintiff Pelletier repeats and realleges each of the allegations contained in paragraphs 1-18 above.

20. On or about October 2003, without Plaintiff Pelletier's permission, Defendant Chitra published the Copyrighted Design under the title "Just Spooling Around" along with the Copyrighted Pattern in the October/November 2003 issue of Defendant Chitra's "Quiltworks Today" magazine (the "Magazine"), wherein the Copyrighted Design and the Copyrighted Pattern appeared on pages 26-27 of the Magazine. Exhibit E.

21. On or about 2004, Defendant Chitra published the Copyrighted Design under the title "Just Spooling Around" and the Copyrighted Pattern in a softcover work entitled "A Few of My Favorite Scrap Quilts" (the "Book"). Exhibit F.

22. The Copyrighted Design is featured on the cover of the Book, on page 3 of the Book and the Copyrighted Pattern is duplicated in the Book at Pages 11 and 15; additionally, credit of authorship is improperly given to Defendant Talbot on Page 15 of the Book. Exhibit F.

23. On or about September 2004, Plaintiff Pelletier phoned Defendant Chitra and indicated to an agent of Defendant Chitra that Plaintiff Pelletier was in fact the author and the owner of the Copyrighted Design and the Copyrighted Pattern, and that she desired to have Defendant Talbot discredited from any claims of authorship in the Copyrighted Design and the Copyrighted Pattern and that she wanted her name to be credited to the Copyrighted Design and Pattern.

24. On September 21, 2004, Attorney Basile sent a cease and desist letter to Defendant Chitra, which is attached hereto as Exhibit D.

25. Defendant Chitra has offered for sale and has sold the Magazine and the Book over the Internet and in retail stores located throughout the United States.

26. As of April 13, 2005, Defendant Chitra, without Plaintiff Pelletier's permission, continues to publish, advertise, and to sell the Book for profit as evidenced by the following Web sites, which were last accessed on April 14, 2005:
<http://www.quilttownusa.com/eshop/10browse.asp?category=Books:Traditional/Pieced;>
and <http://www.quilttownusa.com/eshop/10Expand.asp?ProductCode=100%2D169>. See Exhibit G.

27. By virtue of the unauthorized use, reproduction, and distribution of the Copyrighted Design and the Copyrighted Pattern, Defendant Chitra has infringed Plaintiff Pelletier's Copyrighted Design and Copyrighted Pattern all in violation of Title 17 of the United States Code.

28. The specific acts of copyright infringement alleged above, as well as, Defendant Chitra's entire course of conduct have caused and continue to cause great and incalculable damage to Plaintiff Pelletier. Unless this Court restrains Plaintiff Pelletier from committing further acts of copyright infringement, Plaintiff Pelletier will suffer irreparable injury and harm for which she has no adequate remedy at law.

COUNT III – FALSE DESIGNATION OF ORIGIN
AS TO DEFENDANT SANDRA T. TALBOT

29. Plaintiff Pelletier repeats and realleges each of the allegations contained in paragraphs 1-28 above.

30. As established by the Copyright Registration, Plaintiff Pelletier is the author and the owner of the Copyrighted Pattern and of the Copyrighted Design.

31. Through her correspondence with Defendant Chitra, and as evidenced by the attribution of the Copyrighted Design to her name, as shown in Exhibit F, Defendant Talbot has falsely portrayed herself as the author of the Copyrighted Design.

32. Defendant Talbot's false designation of origin is likely to cause consumer confusion as to the authorship and ownership of the Copyrighted Design.

33. The false designations of origin as well as Defendant Talbot's entire course of conduct have caused and continue to cause great and incalculable damage to Plaintiff Pelletier. Unless the Court restrains Defendant Talbot from further false designations of the Copyrighted Design, Plaintiff Pelletier will suffer irreparable injury and harm for which she has no adequate remedy at law.

COUNT IV – FALSE DESIGNATION OF ORIGIN
AS TO DEFENDANT CHITRA PUBLICATIONS

34. Plaintiff Pelletier repeats and realleges each of the allegations contained in paragraphs 1-33 above.

35. As established by the Copyright Registration, Plaintiff Pelletier is the author and the owner of the Copyrighted Pattern and of the Copyrighted Design.

36. Despite Plaintiff Pelletier's notification to Defendant Chitra that Plaintiff Pelletier is the author and the owner of the Copyrighted Design and of the Copyrighted Pattern, Defendant Chitra has continued to attribute authorship and ownership of the Copyrighted Design and Copyrighted Pattern to Defendant Talbot in Defendant's Chitra's various publications which are sold over the Internet and in various retail stores.

37. Defendant Chitra's false designation of origin is likely to cause consumer confusion as to the authorship and ownership of the Copyrighted Pattern and Copyrighted Design.

38. The false designations of origin as well as Defendant Chitra's entire course of conduct have caused and continue to cause great and incalculable damage to Plaintiff Pelletier. Unless the Court restrains Defendant Chitra from further false

designations of the Copyrighted Design, Plaintiff Pelletier will suffer irreparable injury and harm for which she has no adequate remedy at law.

COUNT V – UNFAIR COMPEITION UNDER M.G.L. CHAPTER 93A
AS TO DEFENDANT SANDRA T. TALBOT

39. Plaintiff Pelletier repeats and realleges each of the allegations contained in paragraphs 1-38 above.

40. Defendant Talbot is using the Copyrighted Design in a manner that misappropriates Plaintiff's goodwill in the Copyrighted Design. Additionally, by asserting in commerce that she is the author and owner of the Copyrighted Design, Defendant Talbot is misrepresenting the origin of the Copyrighted Design. Such actions constitute an unfair method of competition and unfair or deceptive acts or practices in the conduct of trade or commerce.

41. Defendant Talbot's participation in these unfair and deceptive acts has occurred primarily and substantially within the Commonwealth of Massachusetts.

42. By engaging in the activities described above, Defendant Talbot has engaged in an unfair method of competition and in unfair and deceptive acts and practices in violation of the Commonwealth of Massachusetts Consumer Protection Laws, M.G.L. c. 93A, § 11.

43. Defendant Talbot's acts of unfair competition were willful and knowing and have caused and are causing great and irreparable injury to Plaintiff and to the Copyrighted Design and goodwill represented thereby in an amount that cannot be ascertained at this time and, unless restrained, will cause further irreparable injury, leaving Plaintiff Pelletier with no adequate remedy at law.

44. By reason of the foregoing, Plaintiff Pelletier is entitled to injunctive relief against Defendant Talbot, restraining further acts of unfair competition, and to recover attorneys' fees and any damages proven to have been caused by reason of Defendant Talbot's aforesaid acts of unfair competition.

COUNT VI – UNFAIR COMPEITION UNDER M.G.L. CHAPTER 93A
AS TO DEFENDANT CHITRA PUBLICATIONS

45. Plaintiff Pelletier repeats and realleges each of the allegations contained in paragraphs 1-44 above.

46. Defendant Chitra is using the Copyrighted Design and the Copyrighted Pattern in a manner that misappropriates Plaintiff's goodwill in the Copyrighted Design and the Copyrighted Pattern. Additionally, by asserting in commerce that Defendant Talbot is the author and owner of the Copyrighted Design, Defendant Chitra is misrepresenting the origin of the Copyrighted Design. Such actions constitute an unfair method of competition and unfair or deceptive acts or practices in the conduct of trade or commerce.

47. Defendant Chitra's participation in these unfair and deceptive acts has occurred primarily and substantially within the Commonwealth of Massachusetts.

48. By engaging in the activities described above, Defendant Chitra has engaged in an unfair method of competition and in unfair and deceptive acts and practices in violation of the Commonwealth of Massachusetts Consumer Protection Laws, M.G.L.c. 93A, § 11.

49. Defendant Chitra's acts of unfair competition were willful and knowing and have caused and are causing great and irreparable injury to Plaintiff and to the Copyrighted Design, Copyrighted Pattern, and goodwill represented thereby in an amount that cannot be ascertained at this time and, unless restrained, will cause further irreparable injury, leaving Plaintiff Pelletier with no adequate remedy at law.

50. By reason of the foregoing, Plaintiff Pelletier is entitled to injunctive relief against Defendant Chitra, restraining further acts of unfair competition, and to recover attorneys' fees and any damages proven to have been caused by reason of Defendant Chitra's aforesaid acts of unfair competition.

RELIEF REQUESTED

WHEREFORE, the Plaintiff prays that:

I. Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, Plaintiff's copyrighted work pursuant to 17 U.S.C. § 502;

II. Defendants be ordered to pay damages for each claim of infringement, pursuant to 17 U.S.C. § 504;

III. Defendants be ordered to pay costs, including reasonable attorneys fees, pursuant to 17 U.S.C. § 505; and

IV. Defendants, their agents, servants, employees, and all persons acting under their supervision and authority be enjoined and restrained from falsely designating the origin of the Copyrighted Pattern and the Copyrighted Design in violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

V. Defendants be ordered to pay damages, costs and attorneys' fees for the violations of § 43(a) of the Lanham Act, pursuant to 15 U.S.C. § 1117.

VI. That pursuant to M.G.L.c. 93A, § 11, Plaintiff be awarded double or treble damages, attorneys' fees, and costs.

VII. Any other and further relief which the Court may deem appropriate.

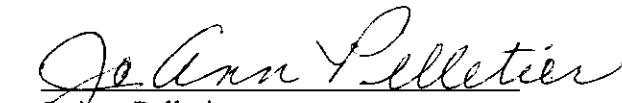
DEMAND FOR JURY

The Plaintiff demands a trial by jury on all counts.

VERIFICATION


I, JoAnn Pelletier, plaintiff in the above matter, state that I have read the foregoing Verified Complaint and the facts set forth therein are true except for those stated upon information and belief and as to those I believe them to be true.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY this 30th day of April, 2005.


JoAnn Pelletier
Plaintiff

Dated: April ____, 2005

THE PLAINTIFF
JOANN PELLETIER

By: 
Michael K. Callan, Esquire
Doherty, Wallace, Pillsbury & Murphy, P.C.
One Monarch Place, Suite 1900
Springfield, Massachusetts 01144-1900
Telephone: (413) 733-3111
Telecopier: (413) 734-3910
BBO Number 558912

"sew" many SPOOLS

© 1993 Jo Ann Pelletier - all rights reserved

Please read all instructions carefully.

The **SPOOLS** are "courthouse step" log cabin blocks.
 Finished block size is 3 3/4" square (4 1/4" including 1/4" seams).
 You will be making 96 "spools" blocks - 8 across x 12 down.
 "Scant" 1/4" seams are very important.

CUT -

THREAD "center" - various plaids, strips, or prints
 Cut 96, 2 3/4" squares

LOGS - all "logs" are cut 3/4" wide

BACKGROUND/muslin logs - amounts are for entire quilt

#1 log = 3/4" wide x 2 3/4" long - CUT 192

#3 log = 3/4" wide x 3 1/4" long - CUT 192

#5 log = 3/4" wide x 3 3/4" long - CUT 192

SPOOL logs - for EACH block cut the following -
 cut 2 of EACH of log #2, #4, #6 (for each block).
 Remember, there are 96 blocks.

#2 log = 3/4" wide x 3 1/4" long - CUT 2

#4 log = 3/4" wide x 3 3/4" long - CUT 2

#6 log = 3/4" wide x 4 1/4" long - CUT 2

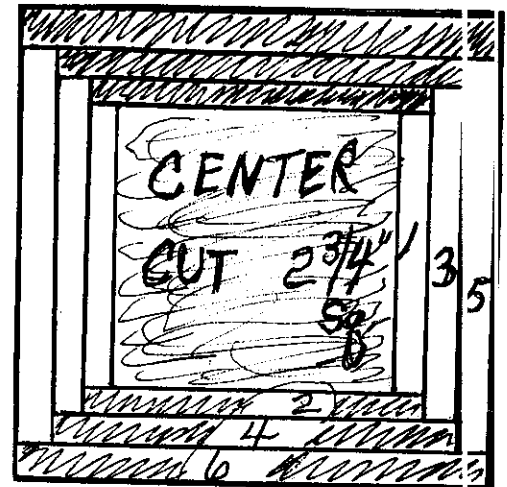
SASHING/muslin - cut 212 (total amount needed)
 Cut 1 1/2" wide x 4 1/4" long

CORNERSTONES - various black prints
 Cut 117, 1 1/2" squares

BORDER 1 - CUT 6, 1 1/4" x 40" strips (or width of fabric selvage to selvage)

BORDER 2 - CUT 6, 3 1/4" x 40" strips (or width of fabric selvage to selvage)

BINDING - CUT 6, 2 1/2" x 40" strips (or width of fabric selvage to selvage)



CONSTRUCTION - all seams are sewn with "scant" 1/4" seams. This is very important. If your seam allowance is too wide, the block will not measure the correct size. You will check the size of the block AFTER each "ROUND" (see at end of step 1 how to do this).

STEP 1 - "ROUND 1"

to the 2 3/4" square "**THREAD center**", add logs #1 (3/4" x 2 3/4" background fabric) to EACH SIDE.
Press towards the logs.
then add #2 logs (3/4" x 3 1/4" spool fabric)
and press towards the logs.

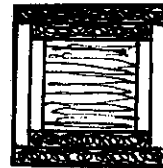


IMPORTANT - check the size of the block with your "square ruler".
The block should measure 3 1/4" sq. Trim if necessary to get rid of any excess over 3 1/4" sq. If the block measures less than the correct size, your seams are too wide.

- **ROUND 1 = 3 1/4" SQUARE** -

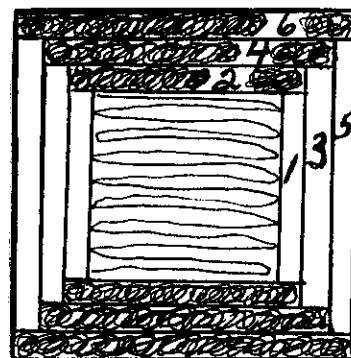
STEP 2 -

Add logs #3 - (3/4" x 3 1/4" background fabric), press
Add logs #4 (3/4" x 3 3/4" spool fabric), press
ROUND 2 = 3 3/4" square



STEP 3 -

Add logs #5 (3/4" x 3 3/4" background fabric), press
Add logs #6 (3/4" x 4 1/4" spool fabric), press
ROUND 3 = 4 1/4" square



ASSEMBLY -

Lay the blocks down - 8 rows across x 12 rows down as the diagram below shows. Leave a space and place the SASHING (1 1/2" x 4 1/4" strips) and the 1 1/2" CORNERSTONE blocks as pictured.

Stitch together by rows -

ROW 1 - CORNERSTONES & SASHING, press to sashing.

ROW 2 - SASHING & "SPOOL" block, press to sashing.

Continue till rows are done.

Stitch the ROWS together.

BORDER 1 - cut 2 of the strips to fit top and bottom of quilt - should be about 39 1/2" (check the size of your quilt top). Stitch, press toward outside. Stitch the 4 remaining strips together - measure, cut and add to sides (should be about 60"). Press

BORDER 2 - Top and bottom of quilt should be about 41" wide (remember, check to see what yours actually measures).. Cut 2 border strips to fit (or piece strips together if needed). Stitch and press. Stitch the 4 remaining strips together - measure, cut and add to sides (should be about 66"). Press

FINISHING - Layer top, batting & backing.

Quilt or tie.

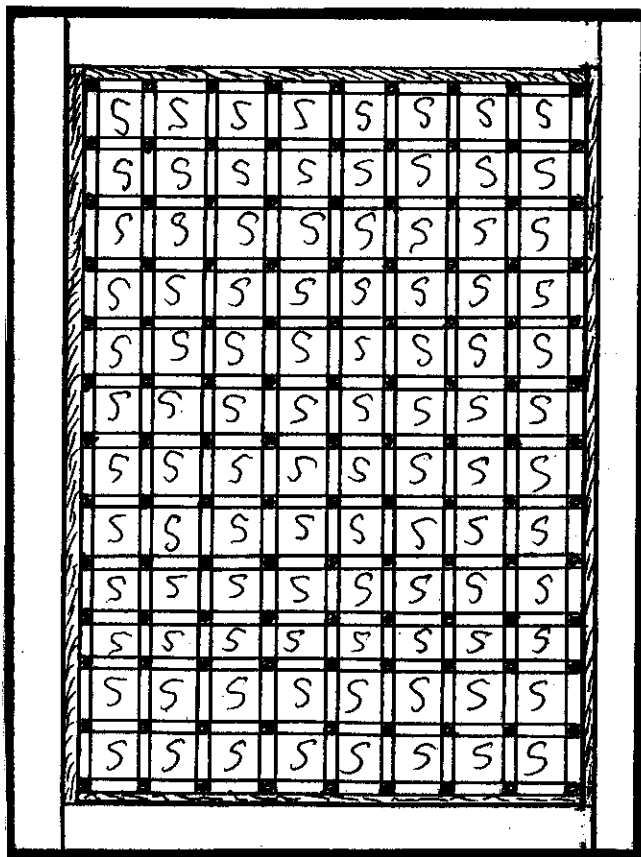
(recommendation -
"stitch in the ditch"
quilting)

Add binding

Thank you for purchasing my pattern.
I hope you enjoyed the process of
making this "very UNIQUE" quilt.

Jo Ann Pelletier

©1993 Jo Ann Pelletier - all rights reserved

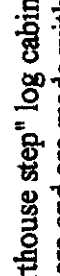


Jo Ann Pelletier designs



"sew" many  #101

46" x 66" finished quilt

These  are "courthouse step" log cabin blocks. The blocks finish 3 3/4" square and are made with logs that finish 1/4" wide. You'll be successful (making these small logs) by following the instructions carefully. Very "UNIQUE"!

MATERIALS NEEDED:

THREAD "CENTER" - 96 (2 3/4" squares)
plaids, strips or prints
SPOOLS - 20 (more or less) brown print "fat eighth" (a fat eighth measures 9" x 22")
BACKGROUND muslin - 3 1/4 yards (used in "spool" block and for SASHING)
CORNERSTONES - 117, 1 1/2" squares cut from 20 (more or less) black prints
BORDER 1 (red) - 1/3 yard
BORDER 2 (black print) - 3/4 yard
BINDING (black) - 3/4 yard
BACKING & BATTING - 49" x 69"



Jo Ann Pelletier designs

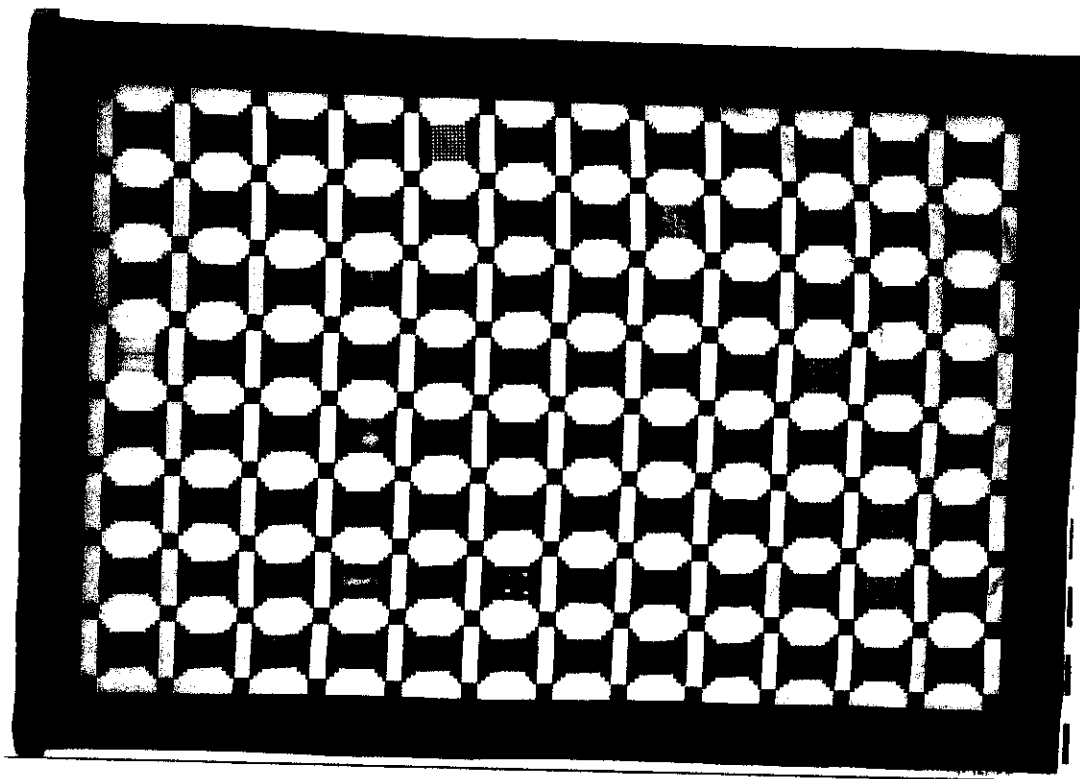
P O Box 60732

Longmeadow MA 01116

413 567-7146

All rights reserved. No part of this pattern may be reproduced or photocopied in any form without prior written consent. All finished items are protected by copyright and may not be reproduced for any commercial use. Federal copyright laws protect all of the above.
This pattern is intended for your personal use only.

© 1993 Jo Ann Pelletier



"sew" many 

#101



© 1993 Jo Ann Pelletier

B

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Form VA
REGISTRY
VA 1-282-126
SEP 17 2004
 EFFECTIVE DATE OF REGISTRATION
 Month Day Year

LATE CONTINUATION SHEET

1

Title of This Work ▼

NATURE OF THIS WORK ▼ See instructions

"sew" many SPOOLS

fabric design **PATTERN**

Previous or Alternative Titles ▼

Publication as a Contribution: If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼

Number ▼

Issue Date ▼

On Pages ▼

2

NAME OF AUTHOR ▼

a JoAnn Pelletier

DATES OF BIRTH AND DEATH
 Year Born ▼ Year Died ▼

5/31/1938

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

Author's Nationality or Domicile
 Name of Country

OR Citizen of USA
 Domiciled in USA

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No
 Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions

Nature of Authorship Check appropriate box(es) See instructions

☐ 3 Dimensional sculpture

☐ Map

☐ Technical drawing

☒ 2 Dimensional artwork

☐ Photograph

☒ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Name of Author ▼

Dates of Birth and Death

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

Author's Nationality or Domicile
 Name of Country

OR Citizen of
 Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No
 Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions

Nature of Authorship Check appropriate box(es) See instructions

☐ 3 Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2 Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

3

Year in Which Creation of This Work Was Completed

a 1993

Date and Nation of First Publication of This Particular Work

This information must be given in all cases.

Complete this information ONLY if this work has been published

Month JAN Day 21 Year 1993

Nation USA

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2 ▼

JoAnn Pelletier
 41 Woolworth St
 Longmeadow MA 01106

Transfer: If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright ▼

APPLICATION RECEIVED

SEP 17 2004

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

SEP 17 2004

FUNDS RECEIVED

MORE ON BACK ▶

Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at line 8.

DO NOT WRITE HERE
 Page 1 of 2 pages

EXAMINED BY <u>Jfb</u>	FORM VA
CHECKED BY	
<input type="checkbox"/> CORRESPONDENCE	FOR
Yes	COPYRIGHT
	OFFICE
	USE
	ONLY

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work already been made in the Copyright Office?☐ Yes ☒ No If your answer is "Yes" why is another registration being sought? (Check appropriate box) ▼a. ☐ This is the first published edition of a work previously registered in unpublished formb. ☒ This is the first application submitted by this author as copyright claimantc. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes" give: Previous Registration Number ▼

Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work, complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates ▼

a
See instructions
before completing
this space.

6

b. Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copyright is claimed ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office give name and number of Account

Name ▼

Account Number ▼

a

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt/City/State/ZIP ▼JoAnn Pelletier
41 Woolworth St
Longmeadow MA 01106

Area code and daytime telephone number

(413) 567-7146

Fax number

(413) 567-4258

Email

jojoann@comp3.net

b

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one ►

☒ author☐ other copyright claimant☐ owner of exclusive right(s)☐ authorized agent of

Name of author or other copyright claimant or owner of exclusive right(s) A

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Typed or printed name and date ▼ If this application gives a date of publication in space 3 do not sign and submit it before that date

JoAnn Pelletier

Date

9/14/2004

Handwritten signature (X) ▼

X JoAnn Pelletier

8

Certificate
will be
mailed in
window
envelope
to this
address

Name ▼	JoAnn Pelletier
Number/Street/Apt ▼	41 Woolworth St
City/State/ZIP ▼	Longmeadow MA 01106

Complete all necessary spaces
Sign your application in space 81. Application form
2. Nonrefundable filing fee in check or money
order payable to Registrar of Copyrights
3. Deposit materialLibrary of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20540-6000Fee on subject
stamp, for record
fee, due to
Copyright Office
within 10
days of receipt of
this application
or call
(202) 707-6000

9

17 U.S.C. § 504(b). Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 405 or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Log Cabin Club

JoAnn Pelletier

- April 2000 -

Because of copyright infringement laws
(and how the growing awareness of
design rights has affected our
quiltmaking) -

I FEEL THAT I MUST MAKE THE
FOLLOWING REQUEST -

The LOG CABIN sampler blocks are
intended to be used in your log cabin
sampler being made in class. The
finished quilt (or whatever you
make using these blocks) is for
your own personal use and
enjoyment - NOT for public
display or publication.

This also applies to "BONUS"
quilts made in class.

JoAnn Pelletier

DOHERTY, WALLACE, PILLSBURY AND MURPHY, P.C.

ATTORNEYS AT LAW

ONE MONARCH PLACE, SUITE 1900
SPRINGFIELD, MASSACHUSETTS 01144-1900

TELEPHONE (413) 733-3111

TELECOPIER (413) 734-3910

WWW.DWPM.COM
E MAIL: DWPM@DWPM.COM

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OF COUNSEL

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SENDERS RECORD

Re: Copyright Infringement

Dear Ms. Talbot and Ms. Meunier:

Please be advised that this office represents JoAnn Pelletier, of Longmeadow, Massachusetts. JoAnn is the owner of certain copywritten material as further described in this letter. It has come to our attention that you are using JoAnn's copywritten material consisting of a quilt pattern which you have called "Just Spooling Around" (the "Protected Design" or the "Pattern") without authority.

As you may know, by federal law, the owner of a copyright has the exclusive right to reproduce and distribute the copyrighted work. Accordingly, a validly copyrighted work is infringed when unauthorized reproductions of the copyrighted work have been made. JoAnn taught her spool Protected Design in quilting classes beginning in 1993. She disclosed the Pattern for the purpose of teaching her students. She made it clear to all of her students that they were not authorized to copy and distribute the Pattern, as it was her work of artistic expression. She did authorize each student to use the Pattern as a learning tool and to make a quilt for her

DOHERTY, WALLACE, PILLSBURY AND MURPHY, P.C.

Ms. Sandra T. Talbot
Ms. Christiane Meunier
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Page 3

owner of this artistic work, JoAnn has the exclusive right to reproduce and to distribute the Pattern and Protected Design (17 USC § 106). Because Ms. Talbot and Chitra have published, reproduced and distributed the Pattern and the Protected Design without JoAnn's authorization, you have both infringed JoAnn's copyright upon publication of the Protected Design and Pattern in Chitra Publications, Inc. *Quiltworks Today*. October/November, 2003 issue at pages 26 and 27 (the "magazine").

Subsequent to that unauthorized publication, you recently published, reproduced and distributed the Protected Design in a book entitled *A Few of My Favorite Scrap Quilts* also published by Chitra Publications, Inc. (the "book"). In fact, it is featured on the cover of the book, on page 3 in the book and the Pattern is duplicated in the book at pages 11 and 15 in violation of federal copyright law. You, Ms. Talbot, have held yourself out to be the owner of the artistic expression manifested in the Protected Design in both the magazine and the book when in fact you are not. You have published your photograph with JoAnn's quilt Pattern, falsely claiming credit for its design. You falsely informed Chitra Publications that you were the owner of the Protected Design and that no one else had any rights to the Protected Design, when you knew that to be false.

Not only have your actions been egregious, insulting and personally cruel, but you have violated federal and state law. Both you and Chitra have taken action in reckless disregard for the true owner's copyright notwithstanding actual notice of such right.

Chitra Publications, Inc. has reproduced, duplicated, published and distributed the Protected Design in violation of federal copyright law.

Chitra may attempt to claim that it relied to its detriment on the false claims of Ms. Talbot. Unfortunately for Chitra, detrimental reliance is no defense to copyright infringement. Accordingly, demand is made of Chitra as follows:

1. JoAnn demands that Chitra cease and desist from selling the book, remove the book immediately from the shelves of its retailers and from the Internet.
2. JoAnn demands that Chitra publish the written apology in its next magazine issue and on the Internet exactly as demanded above.
3. JoAnn demands that Chitra remove the magazine from the website and cease and desist sales of that issue of the magazine.
4. JoAnn demands damages in the total amount of \$50,000.00.

The magazine and book, although informational, are commercial. The publications developed and published by Chitra Publishing, Inc. are primarily for the purpose of generating

DOHERTY, WALLACE, PILLSBURY AND MURPHY, P.C.

Ms. Sandra T. Talbot
Ms. Christiane Meunier
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Page 4

revenue for Chitra and promoting products used by quilters for financial gain. Chitra is hoping that consumers will be impressed with JoAnn's Protected Design quilt and buy the magazine or the book and all of the quilting materials from the advertisers of Chitra and from those retail outlets which sell Chitra's publications. Therefore, the publications are a form of commercial speech for the purpose of influencing consumers to buy its goods. It appears that the publications are adequately disseminated to the relevant purchasing public, since the publications are available over the Internet. Because the Chitra publications are available on-line at Chitra's website www.quilttownusa.com, it could be argued that consumers interested in purchasing quilting products would be likely go to the Chitra website, and encounter the Chitra publications. Thus, therefore, the Internet constitutes sufficient distribution and the Chitra website is a commercial publication.

The statements made in the publications are false and misleading. Ms. Talbot holds herself out as the owner of the Pattern and Protected Design when she is not. JoAnn shall prove that the statements made are literally false and as such can do nothing but mislead and confuse consumers.

JoAnn will not condone nor ignore this infringement and intends to hold both Ms. Talbot and Chitra Publications, Inc. legally accountable. JoAnn will seek fair and reasonable compensation for the improper use of her Protected Design and damages for infringement. Accordingly, JoAnn reiterates the demands set forth in this letter. Should either of you fail to comply with the demands completely and in a timely fashion in the sole opinion of JoAnn, JoAnn will pursue her legal remedies to the full extent of the law. Absent complete compliance with the demands made herein, JoAnn will initiate litigation in the United States District Court for the District of Massachusetts for statutory damages, actual damages equivalent to income received and sales generated by both parties as a result of this infringement and for all other rights and remedies available by all applicable state or federal law. Nothing herein shall be interpreted as a limitation of the rights and remedies available to JoAnn.

Please do not contact or attempt to contact JoAnn Pelletier. All communication regarding this matter must be made through the undersigned. Please confirm immediately upon receipt of this letter your prompt compliance with the demands herein.

Very truly yours,



Deborah A. Basile


DAB/cm

Enclosure

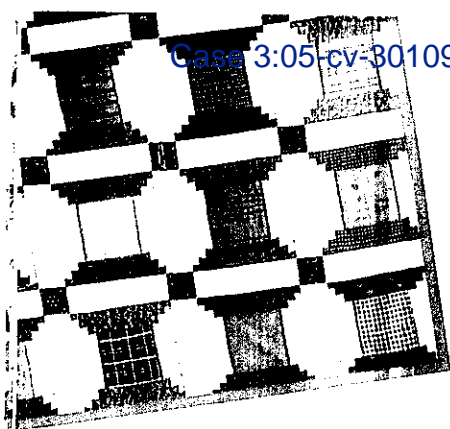
cc: JoAnn Pelletier

E

Just Spooling Around



Sandra Touchette Talbot of Longmeadow, Massachusetts, loves making scrappy quilts. She used lots of plaid and striped fabrics when creating "Just Spooling Around" (64 1/2" square). Sandra says her plan was to make a wallhanger, but she had so much fun making the blocks that it turned into a quilt of 100 spools. The quilt was expertly machine quilted in the ditch by Jan Austin Gilbert.



Quilt Size: 54 1/2" square

Block Size: 4" square

Materials

- 100 assorted prints, plaids, and stripes, each at least 3" square
- 25 brown prints, each at least 13" square
- 21 assorted black prints, each at least 3" square
- 2 1/3 yards muslin
- 1 3/4 yards black stripe for the border
- 2/3 yard black print for the binding
- 3 1/2 yards backing fabric
- 59" square of batting
- Foundation paper (optional)

Cutting

Dimensions include a 1/4" seam allowance.

- Cut 100: 3" squares, assorted prints, plaids, and stripes

From each brown print:

NOTE: Separate each group of 8 strips into 2 piles of 4.

- Cut 8: 3/4" x 4 1/2" strips
- Cut 8: 3/4" x 4" strips
- Cut 8: 3/4" x 3 1/2" strips

From the muslin:

- Cut 180: 1 1/2" x 4 1/2" strips, for the sashing

Just Spooling Around

- Cut 200: 3/4" x 4" strips
- Cut 200: 3/4" x 3 1/2" strips
- Cut 200: 3/4" x 3" strips

From the assorted black prints:

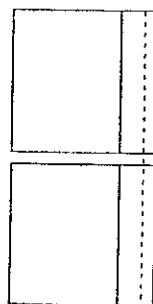
- Cut 81: 1 1/2" squares

Also:

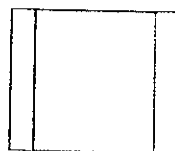
- Cut 4: 3 1/4" x 58" strips, black stripe, for the border
- Cut 6: 2 1/2" x 40" strips, black print, for the binding

Directions

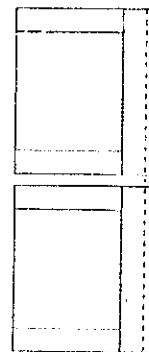
1. Stitch a 3/4" x 3" muslin strip to a 3" print square. Chain stitch a 3/4" x 3" muslin strip to each of the remaining 3" squares.



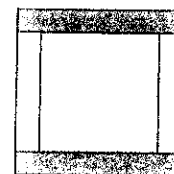
2. Clip the units apart.
3. Chain stitch a 3/4" x 3" muslin strip to the opposite side of each square.
4. Clip the units apart and press the seam allowances toward the muslin. Trim the seam allowances to 3/16".



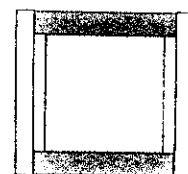
5. Chain stitch 3/4" x 3 1/2" print strips to the square units shown. Use only 4 strips of brown print. Clip the units apart.



6. Chain stitch a 3/4" x 3" matching brown print strip to the opposite side of each unit.

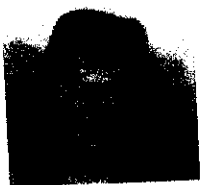


7. Clip the units apart and press the seam allowances toward the brown print. Trim the allowances to 3/16".
8. Chain stitch 3/4" x 3 1/2" strips to the muslin sides of unit. Press and trim, as before.



9. Chain stitch 3/4" x 4" matching brown print strips to each side of the unit.

(continued on page 8)

Sandra
Talbot

Quilt Size: 54 1/2" square
Block Size: 4" square



Yardage is based on fabric with a useable width of 40".

- 100 assorted prints, plaids, and stripes, each at least 3" square
- 25 brown prints, each at least 10" square
- 21 assorted black prints each at least 3" square
- 2 1/3 yards muslin
- 1 3/4 yards black stripe for the border
- 2/3 yard black print for the binding
- 3 1/2 yards backing fabric
- 59" square of batting
- foundation paper (optional - see page 28)

Cutting

Dimensions include a 1/4" seam allowance.

- Cut 100: 3" squares, assorted prints, plaids, and stripes

From each brown print:

NOTE: *Separate each group of 8 strips into 2 piles of 4.*

- Cut 8: 3/4" x 4 1/2" strips
- Cut 8: 3/4" x 4" strips
- Cut 8: 3/4" x 3 1/2" strips

From the muslin:

- Cut 180: 1 1/2" x 4 1/2" strips
- Cut 200: 3/4" x 4" strips
- Cut 200: 3/4" x 3 1/2" strips
- Cut 200: 3/4" x 3" strips

From the assorted black prints:

- Cut 81: 1 1/2" squares

Also:

- Cut 4: 3 1/4" x 58" strips, black stripe, for the border
- Cut 6: 2 1/2" x 40" strips, black print, for the binding

Directions

1. Stitch a 3/4" x 3" muslin strip to a 3" print square. Chain stitch a 3/4" x 3" muslin strip to each of the remaining 3" squares.

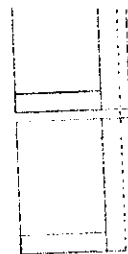
2. Clip the units apart.

3. Chain stitch 3/4" x 3" muslin strips to the opposite side of each square.

4. Clip the units apart and press the seam allowances toward the muslin. Trim the seam allowances to 3/16".



5. Chain stitch 3/4" x 3 1/2" brown print strips to the square units, as shown. Use only 4 strips of each brown print. Clip the units apart.



6. Chain stitch 3/4" x 3 1/2" matching brown print strips to the opposite side of each unit.

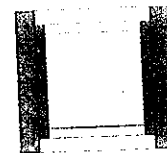


7. Clip the units apart and press the seam allowances toward the brown print. Trim the seam allowances to 3/16".

8. Chain stitch 3/4" x 3 1/2" muslin strips to the muslin sides of each unit. Press and trim, as before.

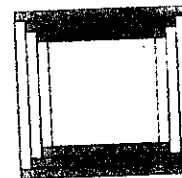


9. Chain stitch 3/4" x 4" matching brown print strips to each unit. Press and trim.



10. Chain stitch the 3/4" x 4" muslin strips to the muslin sides of each unit. Press and trim.

11. Chain stitch the 3/4" x 4 1/2" matching brown print strips to the remaining sides. Press and trim.



F

A Few of My Favorite **SCRAP ♦ QUILTS**

by
Christian
Meunier

10
Full-Size
Patterns

❖ Introduction ❖

While looking through past issues of *Quilting Today* and *Traditional Quiltworks* magazines for inspiration, I noticed that it is always the same quilts that jump out at me. They are the quilts I loved when we first chose them to be in the magazine, and years later, all I need is to flip through the pages and catch a glimpse of them to fall in love with them again. (Usually they're scrap quilts. I enjoy making scrap quilts as much as I do looking at them.)

Scrap quilts originally were a tribute to our ancestors' ability to turn scarcity into beauty. They transformed their lack of material into a glorious celebration of life. With the wealth of fabric available

today, scrap quilts can be more expressive than ever. Using lots of different fabrics can give quilts a visual depth and range of texture that is more difficult to attain with fewer fabrics. "Myths of Avalon," one of the patterns in this book, wouldn't be quite as interesting if it were a red and white quilt. But as it's shown here, your eyes travel around the surface of the quilt, resting in a certain area and studying others. It's a wonder that so many different elements can come together as a beautiful and harmonious unit.

Scrap quilts are also a lot of fun to make. As long as you have fabric in your stash, you never have to worry about running out of a particular one late at night. And if your stash is like mine, you're home free for the rest of your life! Working with a lot of different fabrics gives you the freedom to be daring and to use

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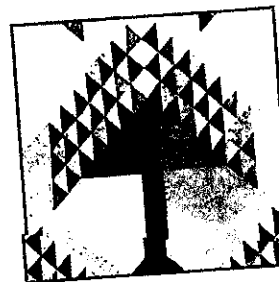
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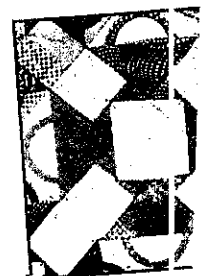
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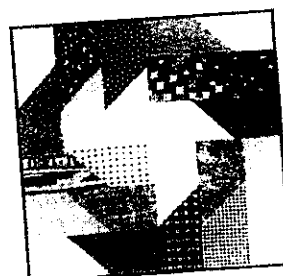
❖ Patterns ❖



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Baskets.....



Picket



Winding
Ways....

a little bit of that lime green that is so "not you." Scrap quilts are also very forgiving; you don't have to have the perfect plan when starting out. If your design gets too bright, just start making more dark blocks. If it gets too dull, step up on the brights. As you go through the process of making a block or two at a time, there's usually time to balance things out. And you never get stuck having to make 32 more blocks exactly like the 16 you just made!

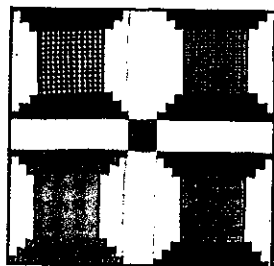
The 10 quilts in this book are a few of my favorite scrap quilts. I hope they inspire you to get your fabric out and start playing!

Happy quilting!

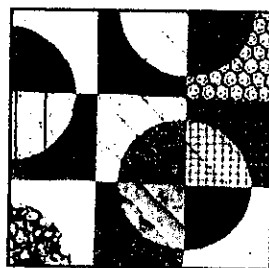
Christiane



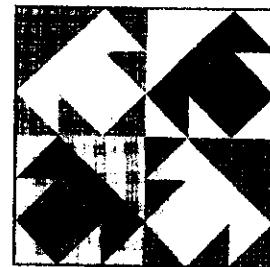
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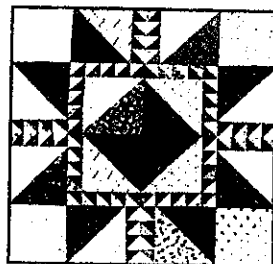
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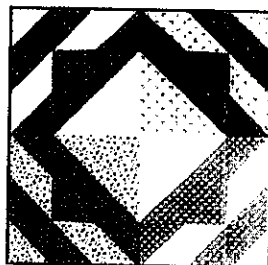
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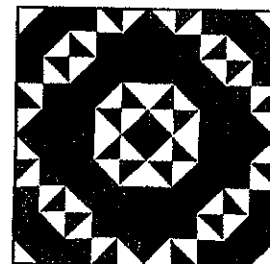
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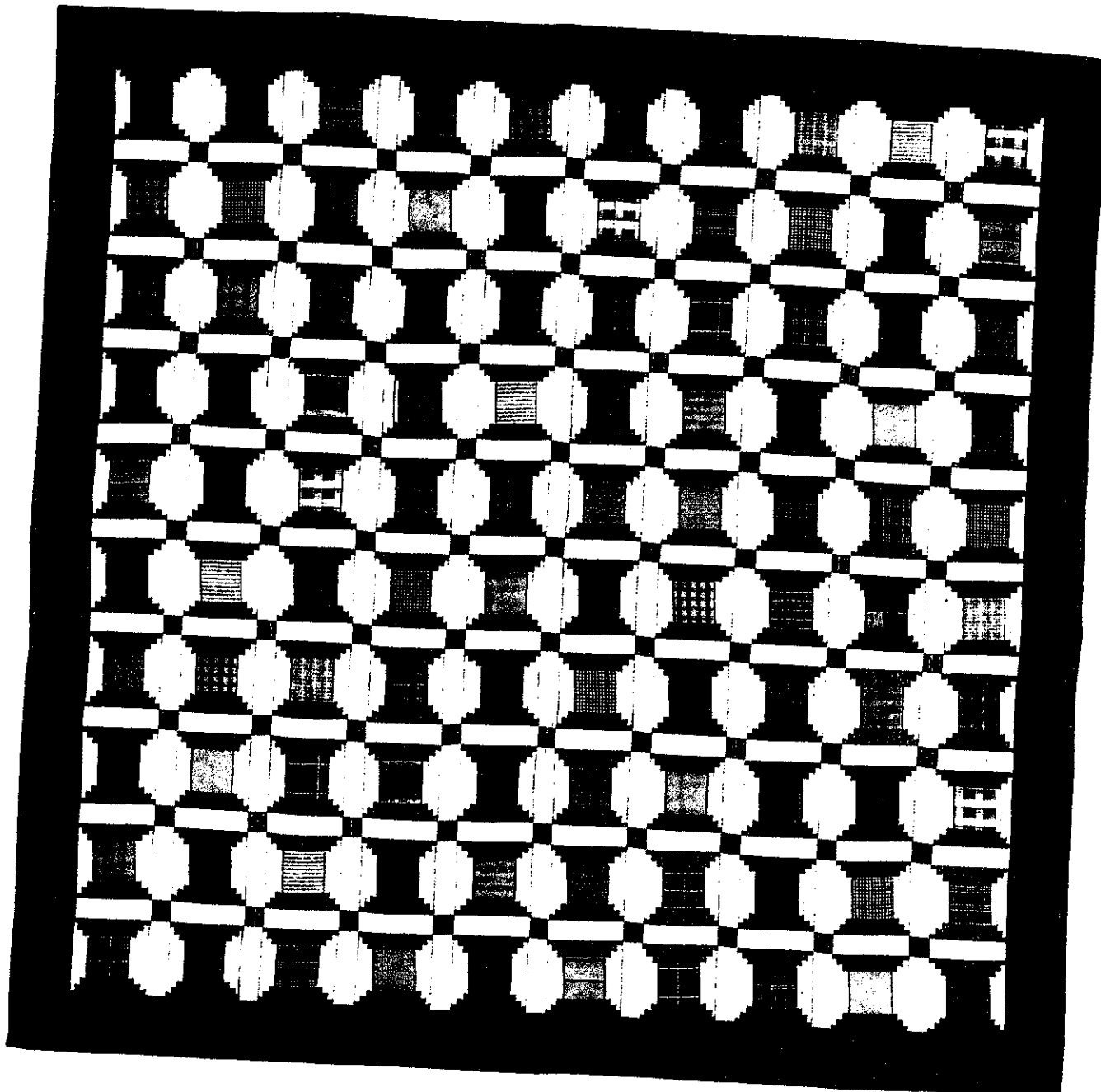


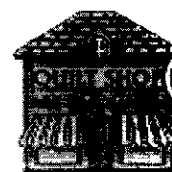
Joanne's
Quilt.....28



Just Spooling Around

Sandra Touchette Talbot of Longmeadow, Massachusetts, loves making scrap quilts. She used lots of plaid and stripe fabrics when creating "Just Spooling Around." Sandra says her plan was to make a wallhanging but she had so much fun making the blocks that it turned into a "quilt of 100 spools." The quilt was expertly machine quilted by Janis Austin Gilbert.





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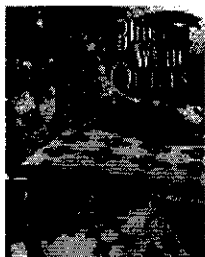
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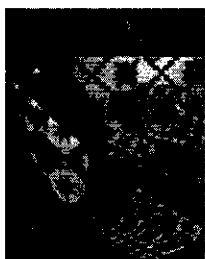
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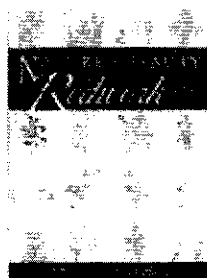
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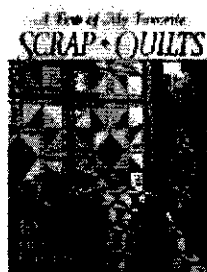
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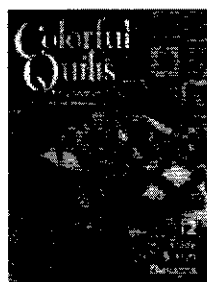
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A Few of My Favorite Scrap Quilts

"Scrap quilts are fun to make," says popular author Christiane Meunier.

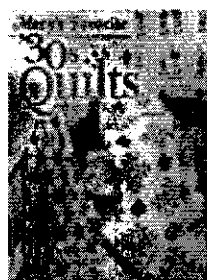
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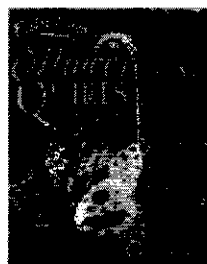
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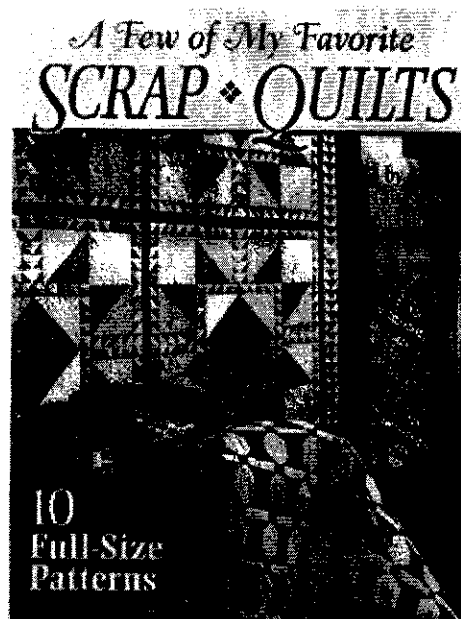
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A Few of My Favorite Scrap Quilts



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"Scrap quilts are fun to make," says popular author Christiane Meunier. She chose scrap quilts from past issues of Quilting Today, Traditional Quiltworks and Quilting magazine that are sure to become your favorites too. With the wealth of fabric scrap quilts can be more expressive than ever. So dig into that fabric stash and scrap quilt today!

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JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

PELLETIER, JOANN

DEFENDANTSCHITRA PUBLICATIONS
TALBOT, SANDRA T.(b) County of Residence of First Listed Plaintiff HAMPDEN
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Doherty, Wallace, Pillsbury & Murphy, P.C.
1414 Main St., 19th Floor, Spfld. MA
01144, Michael K. Callan, Esq.
(413) 733-3111

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

18 U.S.C. §§ 101

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE

DOCKET NUMBER

DATE

May 4, 2005

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b.) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Joann Pelletier v. Chitra Publications
-
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).
- _____ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- X II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. * Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- _____ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- _____ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- _____ V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)). N/A
-
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?
YES ☐ NO ☒
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC 2403) YES ☐ NO ☒
IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?
YES ☐ NO ☒
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? YES ☐ NO ☒
7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL DIVISION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)). YES ☐ NO ☒
OR IN THE WESTERN DIVISION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)?(SEE LOCAL RULE 40.1(D)).
YES ☐ NO ☒
8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN DIVISIONS OF THE DISTRICT?
YES ☐ NO ☒
(a) IF YES, IN WHICH DIVISION DOES THE PLAINTIFF RESIDE? _____
9. IN WHICH DIVISION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? Western
10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE
CENTRAL DIVISION; YES ☐ NO ☐ OR WESTERN DIVISION; YES ☐ NO ☐
11. ALTERNATIVE DISPUTE RESOLUTION - IS THIS CASE SUITABLE FOR ADR? IF SO, BY WHICH ADR?
EARLY NEUTRAL EVALUATION ☐ MEDIATION ☐ SUMMARY JURY/BENCH TRIAL ☐
MINI-TRIAL ☐ OTHER ☐
- (PLEASE TYPE OR PRINT)
ATTORNEY'S NAME Michael K. Callan
ADDRESS Doherty, Wallace, Pillsbury & Murphy, P.C., One Monarch Place, 1414 Main St., Springfield, MA 01144
TELEPHONE NO. (413) 733-3111
- (Category Form.wpd - 3/28/2000)